

# Late Backup

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CITY CODE CHAPTER 5-1 TO REPEAL ARTICLE 3 (ACCESSIBILITY IN HOUSING CONSTRUCTED WITH PUBLIC FUNDS); AMENDING CITY CODE CHAPTER 25-12, ARTICLE 11 (RESIDENTIAL CODE) RELATING TO ACCESSIBILITY REQUIREMENTS FOR SINGLE-FAMILY AND DUPLEX CONSTRUCTION; AND WAIVING THE REQUIREMENT OF CITY CODE SECTION 25-1-502(D).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

**PART 1.** Chapter 5-1 (*Housing Discrimination*) of the City Code is amended to repeal Article 3 (*Accessibility in Housing Constructed with Public Funds*)

**PART 2.** City Code Section 25-12-241 (*Residential Code*) is amended to repeal and replace Subsection (B) to read

(B) The following provisions of the 2006 International Residential Code are deleted

Section R103	Section R301 2 4	Section R602 8 1
Section 105 2	Table R301 2(1)	Section R602 8 1 1
Section R105 3 1 1	Section R302	Section R702 6
Section R105 3 2	Section R302 1	Section M1305 1 3
Section 105 5	Table R302 1	Section M1305 1 3 1
Section R106 1.3	Section R309 5	Section M2201 6
Section R109 1 3	Section R322	Section E3901
Section R110 3	Section R324	Section E3902
Section R112	Section R602 8	Part IV
Part VI	Part VII	Part VIII

**PART 3.** City Code Section 25-1-243 (*Local Amendments to the Residential Code*) is amended to add the following new sections

## SECTION R322 ACCESSIBILITY

**R322.1 Scope.** The requirements of this section apply to new construction of a single-family dwelling or duplex for which a building permit application is submitted after January 1, 2009 Where there are four or more dwelling units or sleeping units in a single

1 structure, the provisions of Chapter 11 of the *International Building Code* for Group R-3  
2 shall apply

3 **R322.2 Definitions.** The following definitions apply in this section

4 ACCESSIBLE ROUTE has the meaning prescribed by City Code Chapter 25-12, Article  
5 1 (*Building Code*)

6 FIRST STORY has the meaning prescribed by City Code Chapter 25-12, Article 1  
7 (*Building Code*)

8 HABITABLE SPACE has the meaning prescribed by City Code Chapter 25-12, Article 1  
9 (*Building Code*)

10 RAMP has the meaning prescribed by City Code Chapter 25-12, Article 11 (*Residential*  
11 *Code*)

12 SITE TEST has the meaning prescribed by the Individual Building Test or Site Analysis  
13 Test established in Chapter 1 of the United States Department of Housing and Urban  
14 Development Fair Housing Act Design Manual

15 **R322.3 Waiver of Exterior Accessibility Requirements.**

16 **R322.3.1 Waiver by building official.** The building official may waive the  
17 requirements of Section R322.4 for a site or lot, as applicable, if an applicant files a  
18 written waiver application demonstrating that

19 1 the topography of the site meets the site test, or

20 2 the lot

21 a is located in a National Register Historic District,

22 b has an area of 3,600 square feet or less, and

23 c has a 10 percent or greater slope from the public right-of-way to the  
24 entrance

25 **R322.3.2 Waiver by building official or city council.** The building official or city  
26 council, as applicable, may waive the requirements of Section R322.4 if an applicant files  
27 a written waiver application demonstrating that the lot

28 1 has an area of 3,960 square feet or less,

- 1           2       is a corner lot or adjacent to a corner lot, and
- 2           3       has access to required off-street parking from a rear alley that has a slope of
- 3                   10 percent or more at the portion of the alley adjacent to the lot

4       **Exception:** The building official may not grant waivers under Section 322 3 1 or Section  
5       322 3 2 for more than five percent of the lots in a subdivision

6  
7       **R322.4 Building entrances.** Habitable space in a dwelling unit located on the first story  
8       must include at least one building entrance on the first story served by a ramp or no-step  
9       entrance. A building entrance door must have a minimum net clear opening of 32 inches.  
10       The building entrance may be at the front, side, or back of a dwelling provided it is  
11       served by an accessible route, including a walking surface from a garage, ramp, sidewalk,  
12       or public right-of-way that is within 200 feet of the building entrance. If a building  
13       entrance includes a no-step entrance, the maximum distance between the interior floor  
14       level of the building entrance and the adjacent walking surface level may not be greater  
15       than one-half inch.

16       **R322.5 Interior doors.** Except for a door that provides access to a closet of fewer than  
17       15 square feet in area, interior doors located on the first story of a dwelling unit must  
18       have a minimum clear opening of at least 30 inches (762 mm). A two foot eight inch  
19       door opening (813 mm) or standard six foot (1829 mm) sliding patio door assembly  
20       complies with this requirement. Lever door handle hardware is required on the affected  
21       doors.

22  
23       **R322.6 Accessible routes within dwelling units.** A dwelling unit must provide an  
24       accessible route through the hallways and passageways of the first story of the dwelling  
25       unit. The route must provide a minimum width of 36 inches (914 mm) and be level with  
26       ramped or beveled changes at door thresholds.

27  
28       **R322.7 Wall reinforcement in bathrooms.** If a water closet room or bathroom is  
29       provided on the first story of a dwelling unit, the water closet room or bathroom must  
30       contain a toilet and a lavatory and have reinforced walls that meet the following  
31       standards:

- 32           1       lateral two-inch (51 mm) by six-inch (152 mm) or larger nominal wood
- 33                   blocking must be installed flush with stud edges of bathroom walls
- 34           2       the centerline of the blocking must be 34 inches (836 mm) from and parallel
- 35                   to the interior floor level



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**PASSED AND APPROVED**

\_\_\_\_\_, 2008

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Will Wynn  
Mayor

**APPROVED:** \_\_\_\_\_  
David Allan Smith  
City Attorney

**ATTEST:** \_\_\_\_\_  
Shirley A Gentry  
City Clerk

## EXHIBIT A TO MOTION SHEET FOR ITEM NO. 94

The draft ordinance posted as backup (*Ordinance*) for this agenda item is amended as set forth below. All un-amended sections of the ordinance shall remain in place as shown on the council backup.

✓ **Replace Part 3 of the ordinance with the following:**

**PART 3.** City Code Section 25-12-243 (*Local Amendments to the Residential Code*) is amended to add the following new sections.

### SECTION R322 ACCESSIBILITY

**R322.1 Scope.** The requirements of this section apply to new construction of a single-family dwelling or duplex for which a building permit application is submitted after January 1, 2009. Where there are four or more dwelling units or sleeping units in a single structure, the provisions of Chapter 11 of the *International Building Code* for Group R-3 shall apply.

3 **R322.2 Accessible bathrooms within dwelling units.** If a water closet room or bathroom is provided on the first story of a dwelling unit, the water closet room or bathroom must have a minimum clear opening of at least 30 inches (762 mm).

A **R322.3 Wall reinforcement in bathrooms.** If a water closet room or bathroom is provided on the first story of a dwelling unit, the water closet room or bathroom must contain a toilet and a lavatory and have reinforced walls that meet the following standards:

- 1 lateral two-inch (51 mm) by six-inch (152 mm) or larger nominal wood blocking must be installed flush with stud edges of bathroom walls, and
- 2 the centerline of the blocking must be 34 inches (836 mm) from and parallel to the interior floor level

#### Exceptions:

- 1 Blocking is not required in the portion of the water closet room or bathroom wall located directly behind the lavatory

- 2 If more than one water closet room or bathroom is provided on the first floor of a dwelling unit, only one water closet room or bathroom is required to meet the blocking standards in this section

✓ **Delete Part 1 of the ordinance, and renumber the remaining sections accordingly.**

This leaves City Code Chapter 5-1 (*Housing Discrimination*), Article 3 (*Accessibility in Housing Constructed with Public Funds*) in place.